

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HAROLD VILLANUEVA,  
Plaintiff,

v.

MORPHO DETECTIONS, INC. and DOES  
1 to 10, inclusive,  
Defendants.

Case No. 5:14-cv-02420 HRL

**ORDER RE SUBJECT MATTER  
JURISDICTION**

In their Joint Case Management Statement, the parties say that this court has diversity jurisdiction over this matter. Federal district courts have jurisdiction over civil actions in which the matter in controversy exceeds the sum or value of \$75,000 (excluding interest and costs) and is between citizens of different states. 28 U.S.C. §1332. Plaintiff's complaint, however, contains no allegations about the requisite jurisdictional amount.<sup>1</sup> Accordingly, at the August 26, 2014 case management conference, plaintiff shall be prepared to explain to the court how or why the

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<sup>1</sup> Plaintiff says he is a California resident. His complaint also alleges that defendant is headquartered and, on information and belief, has its principal place of business in Virginia. Defendant denied those allegations in its answer---albeit, in their Joint Case Management Statement, the parties now agree that diversity jurisdiction exists. If subject matter jurisdiction does not exist, however, the parties cannot create jurisdiction simply by stipulating to it.

1 minimum \$75,000 jurisdictional requirement is satisfied.

2 **SO ORDERED.**

3 Dated: August 20, 2014

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5 HOWARD R. LLOYD  
6 UNITED STATES MAGISTRATE JUDGE  
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United States District Court  
Northern District of California

5:14-cv-02420-HRL Notice has been electronically mailed to:

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